

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>1:11CV386</b>
	:	
<b>SAVAGE 110, 30-06 CALIBER</b>	:	
<b>RIFLE, SERIAL NUMBER G090290,</b>	:	
	:	
<b>Defendant,</b>	:	
	:	
<b>and</b>	:	
	:	
<b>JANICE LUCK,</b>	:	
	:	
<b>Claimant.</b>	:	

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter comes before the Court on the Motion for Summary Judgment filed by the United States on November 7, 2011. (Docket No. 8.) Janice Luck, the Claimant in this forfeiture action, has filed no response to the motion, and the time for response has expired. *See* LR56.1(d). Accordingly, the Court treats the motion as uncontested. *See* LR7.3(k) and LR56.1(d).

Plaintiff United States asserts, correctly the Court finds, that it is entitled to judgment because Claimant failed to respond to Requests for Admission served upon her during the discovery period. As described in the government's brief (Docket No. 9), Claimant's failure

to answer has resulted in determinative relevant facts being admitted by her pursuant to Fed. R. Civ. P. 36(a)(3). In view of the facts admitted by Claimant, set out in the government's brief at Exhibit B, there is no material issue of fact in this matter, and the United States is entitled to judgment.

Therefore, **IT IS RECOMMENDED** that the motion for summary judgment filed by the United States (Docket No. 8) be granted and that the defendant property identified in the caption above be forfeited to the government.

/s/ P. Trevor Sharp  
United States Magistrate Judge

Date: January 4, 2012